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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,094	08/01/2003	Donald A. Ice	15436.247.9.1	3198

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EXAMINER

DINH, PHUONG K

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,094

Applicant(s)

ICE ET AL.

Examiner

Phuong KT Dinh

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 11, 17 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities:
2. Claim 9, lines 1-2, "a elastomer" should be changed to - - an elastomer - -.
3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7-8, 10, 12- 15, 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bright (U. S. Patent 6,752,663).
6. Regarding claims 1, 13-16, 18, Bright discloses a signal surface comprising: a host board 106; a right angle connected mounted to the host board, the right angle connector including a receptacle 104, an optical transceiver module 102 having an edge connector that electrically connect with the receptacle and means 232 interposed between the optical transceiver module and the host board 106 for shielding electromagnetic interference (EMI) about the electrical connection of the edge connector with the receptacle.
7. Regarding claim 2, Bright discloses the means for shielding attached to the host board 106.
8. Regarding claim 3, Bright discloses the means for shielding comprises an EMI shield 232 having a base 490 and a plurality of walls 496 extending from the base, the walls defining a mating surface that engages a rear end of the optical receiver module when the edge connector is received into the receptacle of the right angle connector.
9. Regarding claim 5, Bright discloses the means for shielding comprises a shield element 232 having a base 490 and a plurality of walls 496 extending from the base, the walls including a plurality of extended surface that each engage a rear end of the optical transceiver module when the edge connector is received into the receptacle of the right angle connector.

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10. Regarding claim 19, Bright discloses the extended surfaces are arranged in tooth 496 like configuration on the base 490.

11. Regarding claim 20, Bright discloses the base 490 define an aperture that receives at least a portion of the connector.

12. Regarding claim 21, Bright discloses the extend surfaces are positioned on wall portioned on wall portion 496, the wall portion 496 extending from the base 490.

13. Regarding claim 7, Bright discloses a transceiver apparatus comprising: a host board 106; a right angle connector mounted to the host board having a receptacle 104; the right angle connector coupled feedthrough disposed in the host board. A transceiver module 102 having an edge connector extending from a rear end of the transceiver module, the edge connector inserted into the receptacle, an electromagnetic interference (EMI) shield element 232 having a shield sealing surface 116 mated with a transceiver module 102 seating surface disposed on the rear end of the transceiver module and the EMI shield element shaped to the shield the rear end of the transceiver module and the right angle connector.

14. Regarding claim 8, Bright discloses the EMI shield element 232 is comprises of a conductive elastomer.

15. Regarding claim 10, Bright discloses a conductive ground plane located in the board is electrically to a portion of the EMI shield 232 by a plurality of conductive vias.

16. Regarding claim, 12, Bright discloses the EMI shield element 232 includes two sidewalls and an end wall forming a hood about the right angle connector.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bright.

19. Regarding claim 6, Bright discloses the claimed invention except for the optical transceiver module conforms to the XFP standard. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bright to provide the optical transceiver module conforms to the XFP standard because this would provide different type of module.

20. Claims 1-2, 4, 6, 14-16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flickinger (U. S. Patent 6,524,134) in view Lopata (U. S. Patent 6,315,608).

21. Regarding claims 1 and 4 Flickinger, see figure 8B, discloses a board 10, right angle connector 90 and module 40 with edge connector 94. Flickinger discloses the claimed invention except for a shield at the connector 90. Lopata, see figure 7-9, discloses a connector with shield 141 and tabs 132. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flickinger to provide the shield at connector 90 as taught by Lopata because this would help protect the connector from EMI. For claims 2, 6 met by reference so applied. For

claims 14-16 and 18-21, should 141 readable as having a base and walls surrounding the insulator body, the walls were readable as "extended portions".

***Allowable Subject Matter***

22. Claims 4, 9, 11, 17, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. None of the reference discloses an elastomer gasket that is interposed between the shield seating surface and the transceiver module-seating surface. The seating surface of the shield element and the rear end of the optical transceiver module are complementary angled to physically engage one another.

24. Claims 23-30 are allowed.

25. The following is an examiner's statement of reasons for allowance:

26. None of the reference discloses two sidewall portions extending from the base, each sidewall portions being slanted to form a continuation wall with the back wall portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong KT Dinh whose telephone number is 571-272-2090. The examiner can normally be reached on 8 -5, 5 days a week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phuong Dinh', is written over the printed name.

Phuong Dinh  
September 11, 2004.